

## **7 FAM 180 MISCELLANEOUS**

*(TL:CON-1 4-15-83)*

### **7 FAM 181 CHILD ABUSE**

Traditionally, the role of the consular officer in protection or welfare cases has been primarily to safeguard U.S. citizens against violations of their legal or human rights by officials of another government. U.S. Foreign Service posts have avoided becoming involved in the private domestic problems of U.S. citizens. Nevertheless, a chief consular officer cannot and should not ignore substantiated inhumane acts perpetrated against U.S. citizens by other U.S. or foreign citizens by other U.S. or foreign citizens, especially if the victim is a U.S. citizen child.

Only as a last resort and after the advice of the Department has been sought should posts raise child abuse problems within the local U.S. community, with local social agencies or the host government. Initially, an attempt should be made to resolve the problem within the U.S. community itself. Precisely which American organization might best be approached to assist in solving the problem (for example, the American School, the American Society, an American religious organization, or the American Chamber of Commerce) will depend on the local situation. In any event, approaches to such organizations should be made by the chief of mission, principal officer, or consular officer, as the situation dictates, in the officer's capacity as a concerned rather than as a representative of the U.S. Government.

If no suitable U.S. community organization can be identified, an approach might be made to the American resident head of the firm employing the alleged U.S. citizen child abuser. If the company head shows no interest, the Embassy should so report to the Department for possible communication with the parent company in the United States.

As child abuse cases are of a highly sensitive nature, they must be handled with utmost discretion. Above all, before any of the above-listed steps are taken, the fact of the abuse must be substantiated. The post cannot be placed in a position of making approaches on the basis of mere hearsay or rumor. If the abuse is substantiated and all local efforts to remedy the situation have failed, posts should seek the advice of the Department.

### **7 FAM 182 MINORS AND INCOMPETENTS**

In providing emergency and protection services to an unmarried person under the age of 18, or for an incompetent of any age, the right of the parent or legal guardian to be informed must be respected. Should the post be asked for assistance by a minor or by the local authorities or another interested party on behalf of a minor or incompetent, it must report fully the details of the request, and the Department will make whatever notification is necessary. The post must not be placed in the situation of shielding a minor or incompetent from the parent or legal guardian.

### **7 FAM 183 U.S. CITIZENS HOSPITALIZED ABROAD**

Consular officers have few direct responsibilities towards U.S. citizens hospitalized abroad unless there are extenuating circumstances. Hospitalized U.S. citizens are responsible for their own bills, medical treatment, and mail. In most instances, however, these unfortunate U.S. citizens will be far away from family or friends. Their tour group may have had to leave them behind; they may not speak the language and thus feel isolated or forgotten. Personal interest, in the form of a telephone call or visit, will serve to remind the U.S. citizen that the U.S. Government does care and will attempt to assist if needed. The Department urges all posts to take steps to be informed when U.S. citizens are hospitalized in their consular districts and to establish a program of personal contact. In this endeavor, posts should seek the assistance of the local U.S. citizen groups such as the American Society.

## **7 FAM 184 ARMED FORCES PERSONNEL**

### **7 FAM 184.1 Assistance to Navy and Coast Guard Personnel**

For procedure applicable when Navy or Coast Guard personnel, other than deserters or stragglers, become stranded in a consular district or are placed ashore in emergencies, see Chapter 7 FAM 700: Shipping and Seamen.

### **7 FAM 184.2 Deserters and Stragglers**

The return of a deserter or straggler to the jurisdiction of the appropriate branch of the Armed Forces can be accomplished through the nearest U.S. military facility in the consular district competent to accept custody of the individual. Where no such facility is available, the problem should be referred to the Defense Attache's Office (DAO) of the U.S. Embassy. A case involving application of a treaty provision or special agreement, or involving another factor or international significance, should be reported to the Department with a request for special instructions.

## **7 FAM 185 FUGITIVES FROM JUSTICE**

Posts should report to the Department (CA/OCS/EMR), for the attention of the Office of Security (A/SY), the presence in its consular district of a person known or believed to be a fugitive from U.S. justice. The Department will then inform the appropriate State and Federal agency.

## **7 FAM 186 CHARITABLE ORGANIZATIONS**

Posts are encouraged to cooperate as fully as possible with representatives of the American Red Cross and other internationally recognized humanitarian organizations. Normally, requests from foreign governments for the assistance of the American Red Cross or similar organizations should be forwarded through nonofficial channels. If the local circumstances render the normal methods of communication impossible, the post may use official channels to request such assistance.

Consular officers should not advise private inquirers of the financial status or reputation of U.S. charitable or benevolent organizations. Likewise, official channels should not be used to transmit funds to charitable or benevolent organizations in the United States except where normal banking facilities are not available.

## **7 FAM 187 DUTY OFFICER INSTRUCTIONS**

Many welfare and whereabouts cases cannot be deferred until the next working day if received by the post outside of normal working hours. For example, emergency messages often require that the person for whom the message is intended takes immediate action.

Accordingly, there must be incorporated in the Post Duty Officer Manual sufficient instructions to ensure that such a request is identified and handled in a timely manner (see 7 FAM 187 Exhibit 187 ; also 2 FAM 113 for outline guide). These instructions may require the duty officer to notify the appropriate consular officer or to take appropriate action. The instructions should be sufficiently detailed so that the duty officer will be able independently to take the steps necessary to perform the required service (see sections 7 FAM 132-135 ). The key steps that must be taken are to: (1) identify the request as a welfare and whereabouts case, (2) evaluate the nature of the request to determine whether it must be acted upon immediately, and (3) take whatever action is necessary to perform the service in a timely manner.

A good indicator of the seriousness of the problem and the speed with which it must be dealt is the precedence designator of the telegram: an "IMMEDIATE" probably should be handled immediately, a "NIACT IMMEDIATE" always requires immediate handling, a "PRIORITY" telegram probably can wait until the next working day. The urgency of each request must be evaluated separately; the precedence designator is only one of many possible clues to use in making the the decision. When in doubt, use a precedence designator calling for immediate handling.

## **7 FAM 188 PITFALLS TO BE AVOIDED BY CONSULAR PERSONNEL**

Consular personnel should avoid the following pitfalls:

- (1) Being placed in the position of a fiduciary agent, attorney, or legal representative;
- (2) Cashing checks, loaning money unofficially, or serving as an intermediary in the transfer of funds, except as provided for in Chapter 7 FAM 300 : Financial and Medical Assistance (the post is not a bank);
- (3) Making personal loans on compassionate or other grounds. Such loans are not reimbursable by the U.S. Government.

Keep records of all calls or correspondence concerning any specific case. You may be called upon to answer a Congressional inquiry at some time after the case closes and such notes will be valuable in reconstructing the case.

## **7 FAM 189 UNASSIGNED**

## **7 FAM 187 Exhibit 187**

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### **Sample of Instructions on Consular Matters for Post Duty Officer**

In many instances, welfare and whereabouts cases normally handled by the consular section require immediate action. Telegrams on these types of cases can be identified by the "TAGS: CASC" designation.

Upon receipt of such a telegram, the duty officer must determine whether the case appears to require immediate attention. A good rule of thumb is the precedence designator: IMMEDIATE and higher precedence telegrams require immediate attention.

When the duty officer determines that the case requires immediate attention, the duty officer will contact either Bill Jones, tel. x23456 or Ralph Smith, tel. x45678 and assist that person in whatever action if considered necessary.